

1 [Planning Code - Reconstruction of Buildings Damaged or Destroyed by Fire or Acts of God]

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3 **Ordinance amending the San Francisco Planning Code Section 181(d) to: 1) provide a**  
4 **process for the reconstruction of buildings damaged or destroyed by fire or acts of**  
5 **God; 2) provide a retroactive operative date of August 1, 2009; and 3) adopt findings,**  
6 **including environmental findings and Planning Code Section 302 findings.**

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NOTE: Additions are *single-underline italics Times New Roman*;  
8 deletions are ~~*strike-through italics Times New Roman*~~.  
Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strike-through normal~~.

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10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Findings.

12 (a) The Planning Department has determined that the actions contemplated in this  
13 ordinance comply with the California Environmental Quality Act (California Public Resources  
14 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of  
15 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

16 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
17 amendments will serve the public necessity, convenience, and welfare for the reasons set  
18 forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates such  
19 reasons herein by reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on  
20 file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

21 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
22 181(d), to read as follows:

23 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**  
24 **RECONSTRUCTION.**

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1 (d) Notwithstanding the foregoing provisions of this Section 181, a structure occupied  
2 by a nonconforming use that is damaged or destroyed by fire, or other calamity, or by Act of  
3 God, or by the public enemy, may be restored to its former condition and use; provided that  
4 such restoration is permitted by the Building Code, and is started within one year and  
5 diligently prosecuted to completion. The age of such a structure for the purposes of Sections  
6 184 and 185 shall nevertheless be computed from the date of the original construction of the  
7 structure. Except as provided in Subsection (e) below, no structure occupied by a  
8 nonconforming use that is voluntarily razed or required by law to be razed by the owner  
9 thereof may thereafter be restored except in full conformity with the use limitations of this  
10 Code.

11 For purposes of this Subsection (d), "started within one year" shall mean that within one year  
12 of the fire or other calamity or Act of God the building's owner or agent shall have either (1) filed an  
13 application for a building permit for alteration, repair, or replacement of the damaged or destroyed  
14 building, or (2) submitted to the Planning Department evidence of a resolution with the insurance  
15 company accompanied by a reasonable schedule of payments to the owner and a commitment by the  
16 insurance company to pay, or (3) submitted to the Planning Department prepared design plans and  
17 evidence of efforts by the owner or agent to conduct a pre-application review with the Department of  
18 Building Inspection or the Planning Department.

19 Section 3. Effective Date. This ordinance shall become effective 30 days from the  
20 date of passage.

21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 JUDITH A. BOYAJIAN  
25 Deputy City Attorney